	Board of Adjustment STAFF REPORT	AGENDA # _____
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TO: CASA GRANDE BOARD OF ADJUSTMENT

FROM: James Gagliardi, City Planner

MEETING DATE: October 14, 2014

REQUEST

Request by Brady Jones of Glen Jones Auto for the following signage request located at 1932 N. Pinal Avenue; APN 504-42-022B:

1. **DSA-14-00140: Variance requests** from Section 603 of the sign code to allow:
 - a. Three (3) detached signs where one (1) is permitted
 - b. To allow a sign to be 160 ft. from another detached sign where a distance of 300 ft. is required.

APPLICANT/OWNER

Brandy Jones, Glenn Jones Ford Lincoln
Mercury, LLLP
1932 N Pinal Avenue
Casa Grande, AZ 85122
Phone: 480-773-4886
Email: bradyjonesjd@gmail.com

Jones Brothers Investments, LLC
23454 W US Hwy 85
Buckeye, AZ 85326
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HISTORY

- May 18, 1955: The site was annexed into the City limits of Casa Grande as part of the Gilbert Acres Annexation via Ordinance No. 208 and subsequently zoned B-2 (General Business) with the 1987 Adoption of the City Zoning Ordinance.
- June 18, 1996: Major Site Plan approval (CGPZ-29-96) for Glenn Jones automotive, sales and service facility.
- January 8, 2002: Variance approved by the Board of Adjustment (BOA-01-002) allowing for a third detached sign where one is maximum number of detached signs permitted, and allowing for less than 300 feet between detached signs.

Surrounding Land Use and Zoning

Direction	General Plan Designation	Existing Zoning	Current Uses
North	Community Center	B-2	Auto sales and service
South	Community Center/ Neighborhoods	B-2	Undeveloped
East	Neighborhoods	R-2 (Multi-family Residential)	Undeveloped
West	Community Center	UR (Urban Ranch)	Undeveloped

Aerial of the site:



Overview

City Code allows one detached sign per 600 ft. of lot frontage; and where more than one sign is allowed, the code also requires a minimum of 300 ft. between detached signs. The subject site has 550 ft. of lot frontage. Consequently, the applicant received variance approvals to these two code requirements in 2002 for the placement of a third sign at the southwest corner of its site, which was 160 feet from another one of its detached signs (Exhibit A). This sign which advertised for Lincoln was recently removed by the manufacturer, as the dealership no longer sells new Lincoln vehicles. The applicant desires to erect a new sign in its place to advertise for the dealership itself, since the other two signs are specifically for its manufacturers. Due to the requirements of these manufactures, general signage for the dealership cannot be placed with these other signs.

The former sign stood at 10 ft. 1 in. in height and had a sign area of 38.5 sq. ft. (Exhibit B). The applicant proposes to keep the existing pedestal and place new sign upon it. A portion of this new sign would be an electronic message center, and the remainder would have permanent sign lettering. The total height would be 10 ft. and have a total sign area of 66.63 sq. ft. (Exhibit C).

The subject site is along the Pinal Avenue frontage road. This frontage road is separated from Pinal Avenue by a tree-lined drainage channel. The applicant contends this right of way separation from the main thoroughfare and obstruction of view due to the trees warrants the need for additional detached signage. The applicant also reasons that one detached sign is allowed per parcel; therefore if the dealership was simply placed into multiple parcels, it could technically have multiple signs without the need for a variance. While staff doesn't find that to be compelling justification by itself, staff does support the request for two reasons:

- 1) The first reason staff supports the variance request is that there was already approval granted for a third sign, less than 300 ft. from another detached sign. The separation between the two signs is not proposed to be any less than what was already granted. Though the sign area is expanding, the height is the same; and is specifically for general dealership signage and not for one specifically dedicated for a manufacturer, which is the purpose of the other two signs on the site.
- 2) The second reason staff supports the variance request is that the City Sign Code allows one square foot of sign area for every lineal foot of property frontage. With 550 ft. of frontage, the property is entitled to a maximum of 550 sq. ft. of detached signage. With the proposed third sign, the total square footage falls well below the maximum as shown below:

	Message	Height	Sign Area Square footage
Sign One	GMC / Buick	30 ft.	126 sq. ft.
Sign Two	Ford	24 ft.	126 sq. ft.
Proposed Sign Three	Glenn Jones Auto Center	10 ft.	66.63 sq. ft.
Total (Max 550 sq. ft. allowed)			318.63 sq. ft.

CONFORMANCE WITH THE VARIANCE CRITERIA

In reviewing Variance requests, the Board of Adjustment shall find that the requests satisfy the considerations listed below per Section 17.54 of the City Code.

The applicant has provided justification for the variance criteria as provided in their justification statement (Exhibit D).

A. That there are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that zone;

- The property does not directly abut the nearest arterial road. There is over 80 ft. separation from the parcel to Pinal Avenue due to the presence of a drainage channel and frontage road. The Pinal Avenue frontage road does present a special condition for this property, as this is one of the few areas that Pinal Avenue is served by a frontage road. This frontage road is .75-mile length on one side of Pinal Avenue between O'Neil Dr and Kortsen Rd; and not a condition commonly present in other areas. The majority of B-2 zoned properties within the City do not have this type of separation.

B. That the strict application of the regulations would work an unnecessary hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights

- An additional property right was afforded to this site with the granting of the 2002 variance allowing a third detached sign less than 300 ft. from another detached sign. This new request does not seek additional rights than what was previously granted for a third sign. If a strict application of the Code were applied and this third sign was not allowed; the remaining two detached signs would continue to specifically advertise for particular manufacturers and not promote the auto dealership in general, yet, the City Code allows a total of 550 sq. ft. of detached signage for the site and it would only have 252 sq. ft. of signage, less than half the sign area allowed. Though the Code would allow one 550 sq. ft. sign without a variance, the presence of three smaller detached signs collectively totaling well below 550 sq. ft. is not an unreasonable alternative and allows the continuance of a property right that has been present

at the site.

C. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements of the neighborhood.

- The third sign that was previously located at the site had not posed any threat of injury nor affected the health or safety of persons in the area. This new sign is proposed to utilize the existing sign pedestal of the former sign and would not result in any substantially different level of impact. Since an electronic message center is proposed for the new sign, to ensure that there is not an intensified impact compared to the previous sign, two conditions of approval are recommended:
 - The electronic message center display shall not exceed a maximum illumination of 300 NITS during nighttime hours (between dusk and dawn) and a maximum illumination of 5,000 NITS during daylight hours.
 - The electronic message center shall not display any form of animation, and shall remain static for at least 8 seconds with a transition time no greater than 2 seconds.

Public Notification

Public hearing notification efforts for this request meet the requirement set out by City Code:

- A notice was published in the Casa Grande Dispatch on September 26, 2014.
- A notice was sent to all property owners within 200 ft. of the subject site on May 29, 2014.
- A public hearing sign was posted by the applicant on the subject site before September 29, 2014.

Inquiries/Comments

No inquires or comments have been received.

STAFF RECOMMENDATION

Staff recommends the Board approve DSA-14-00140, the variance requests from Section 603 of the sign code to allow:

- a. Three (3) detached signs where one (1) is permitted
- b. To allow a sign to be 160 ft. from another detached sign where a distance of 300 ft. is required

with the following conditions:

1. The electronic message center display shall not exceed a maximum illumination of 300 NITS during nighttime hours (between dusk and dawn) and a maximum illumination of 5,000 NITS during daylight hours.
2. The electronic message center shall not display any form of animation, and shall remain static for at least 8 seconds with a transition time no greater than 2 seconds.

Exhibits:

Exhibit A – Minutes from 2002 BOA Variance

Exhibit B – Former sign permit excerpt & photos of former sign

Exhibit C – New Sign layout

Exhibit D – Applicant's Justification Statement

Exhibit A – Minutes from the 2002 BOA Variance

- C. **BOA-01-02: Request by Glenn Jones Ford Lincoln Mercury Inc. for a variance from Sections 603.6.a., 603.6.a.1., and 603.6.a.2. of the City Sign Code to allow for a third detached sign and less than 300 hundred feet between detached signs on property located at 1932 N. Pinal Avenue; A.K.A., a portion of Section 17, T6S, R6E, G&SRM, Pinal County, Arizona; APN 504-42-022B.**

This is a request by Glenn Jones Ford Lincoln Mercury Inc. for a variance from of Sections 603.6.a., 603.6.a.1., and 603.a.2. of the City Sign Code to allow for a third detached sign and less than 300 hundred feet between detached signs on property located at 1932 N. Pinal Avenue; A.K.A., a portion of Section 17, T6S, R6E, G&SRM, Pinal County, Arizona; APN 504-42-022B.

Sections 603.6.a., 603.6.a.1., and 603.a.2. of the City Sign Code pertain to detached sign requirements in the B-2 Zoning District (and other commercial and industrial zoning districts as well). The zoning designation of the subject property is B-2. Generally, the requirements state that B-2 businesses are allowed one detached sign per each 300 feet of street frontage, provided the signs maintain a 300 foot separation distance.

Currently, the subject property, which has 554 feet± of street frontage, has two detached permitted signs. One sign has Ford, Lincoln, and Mercury brands advertised. The second sign advertises the dealer's other brands. The applicant requests approval to replace the Ford/Lincoln/Mercury sign with a new updated Ford pole sign and add one new monument sign for the Lincoln and Mercury product. There are no plans to remove or modify the other existing detached sign.

According to the applicant, the main reason for this request is Ford Motor Company's desire to update their signs with the new individual blue oval Ford sign. The sign brochure provided states that "Ford's re-imaging project promotes a new and consistent nationwide image for Ford dealers." There are no special conditions or circumstances stated to support this request.

When the Board of Adjustment considers variance requests the applicant must show the following:

- A. That there are special circumstances or conditions applicable to the property referred to in the application, which do not prevail on other property in that zone;
- B. That the strict application of the regulations would work an unnecessary hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights; and
- C. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially

detrimental to the public welfare or injurious to property or improvements of the neighborhood.

Staff finds that approval of this request would not create any health or safety concerns, nor would the new signs be materially detrimental to the public welfare or injurious to property or improvements of the neighborhood. It's staff's contention that the new signs are actually aesthetically preferable to the existing Ford/Lincoln/Mercury sign. However, staff also finds that there are no special circumstances or conditions applicable to the subject property which do not prevail on other property in that zone; that the strict application of the subject sign regulations would not work an unnecessary hardship for the applicant; and that the granting of the application is not necessary for the preservation and enjoyment of substantial existing property rights. While it is Ford's preference to change the sign and add a third sign, no special circumstances, special conditions, or hardships are evident. Staff notes that if for some reason all existing brands could not be represented on detached signage, they are still represented by attached signs on the dealership's two buildings.

Furthermore, staff finds that approval of this request could set a undesirable precedent for other property owners to request new signs beyond that allowed by the City's Sign Code simply because it was a corporate or business preference.

Based on the findings stated above, staff recommends denial of this request.

Staff notes that Dave's Collision, an auto body business in Casa Grande, called staff to object to this variance request.

Mike Underwood, Glenn Jones Ford Lincoln Mercury Inc., 1932 N. Pinal Avenue Casa Grande, AZ 85222, came forward to address the Board.

Mr. Underwood stated that Ford Motor Company is removing the Lincoln Mercury sign causing them an economic hardship. It is costing them \$25,000 to make the change Ford is requesting. Mr. Underwood presented signage pictures to the Board. Mr. Underwood believes that refusal to keep the Lincoln Mercury sign is an inadequate market representation.

Mark Eckhoff, Senior Planner, explained that would be a total of three existing detached signs on site: two pole mounted signs and one monument sign. Due to the amount of frontage the site has, the city code limits them to two detached signs.

Mr. Eckhoff stated that the variance is for signage quantity and separation distance.

Member Ramsdell stated that the applicant is well within the sign footage and suggested bringing the two signs closer together.

Mr. Underwood stated that the Lincoln Mercury sign could be relocated and the same height as the Ford Sign.

Mr. Eckhoff stated that placing two signs close together does not create one sign.

Member Collings stated that if the sign is erected off one foundation he would consider that one sign.

Mr. Underwood stated that he believes that they meet the variance requirements and are willing to work with the city.

Senior Planner Eckhoff stated that the Board should give strong findings to avoid the potential of precedence and show that this variance applies only to this property.

Member Martin described how this request would satisfy the variance requirements. The City would be getting rid of an older high pole mounted sign, the large separation from the frontage road to Pinal Avenue is unique, the low monument style sign would be added and this is what the city prefers and this request won't affect the safety of the residents.

The Board discussed their lenience toward a variance due to the fact that the right of way is unique, the local business has no control over Ford Motor Company's request to take down the existing sign, the aesthetics of the new sign and the 55 mph speed limit created more need for visible signage.

Mr. Underwood reported that he discussed this request with Mr. Dave Ellis and he has no objections to this request.

Mr. Collings supports this request because the business has no control over the removal of the sign, which creates a hardship for the business.

Member Martin made a motion to approve BOA-01-02, with the findings as stated above and with the conditions that the applicant work with the City Planning Staff on the exact location of the signs and the size and the height of the new "Ford" sign shall not exceed that of the existing "Ford" sign. Member Swain seconded the motion. The following roll call vote was recorded:

Member Collings	Aye
Member Swain	Aye
Member Ramsdell	Aye
Vice-Chairman Martin	Aye
Chairman Mennenga	Aye

The motion passed 5 – 0.

Exhibit B – Former sign permit excerpt & photos of former sign

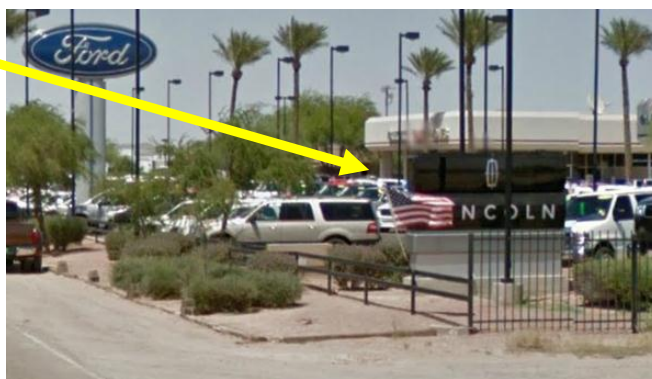
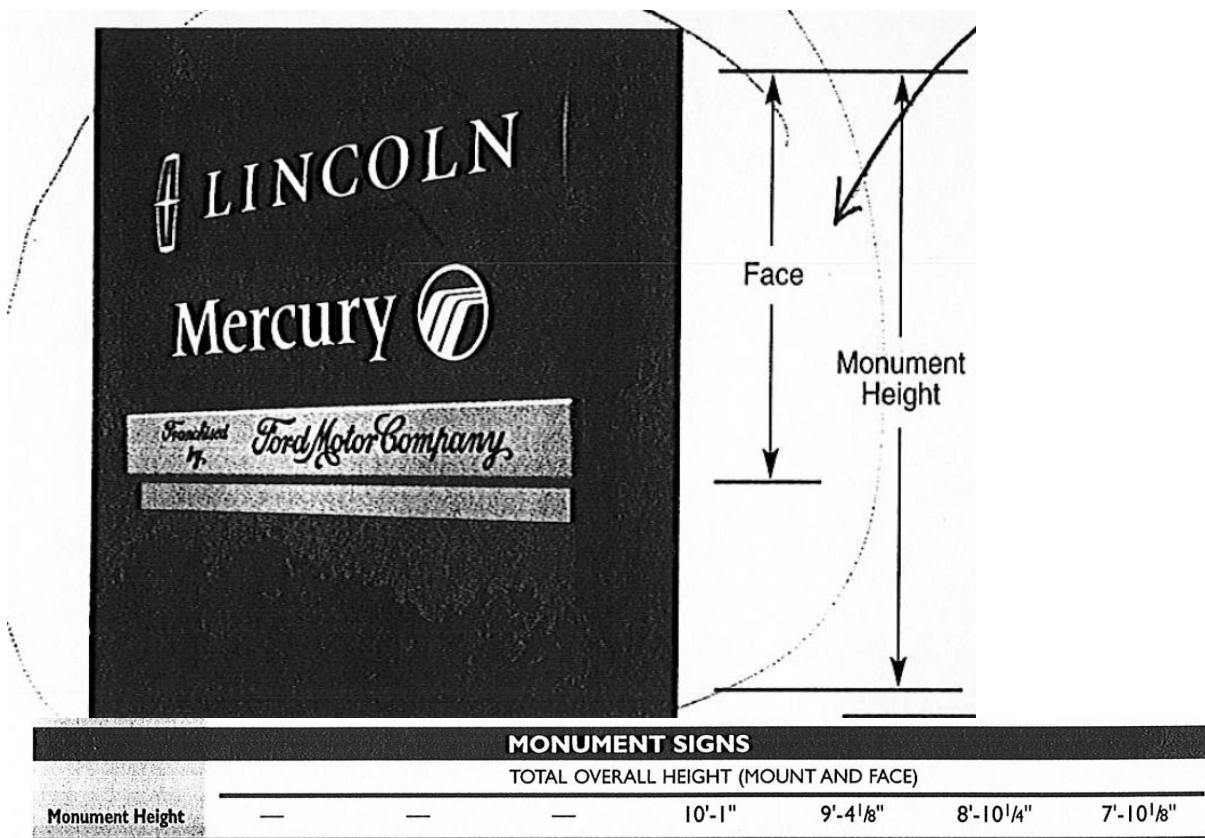


Exhibit C – New Sign Layout

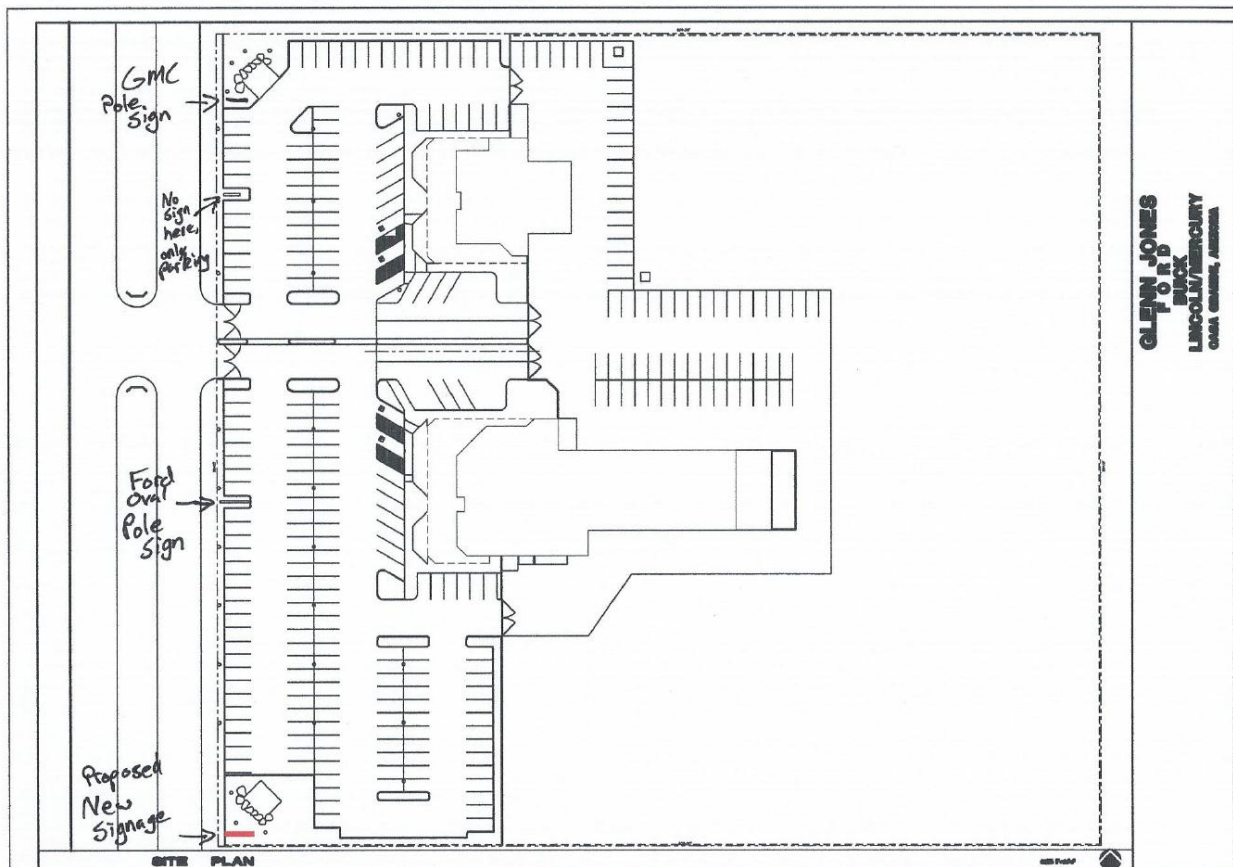
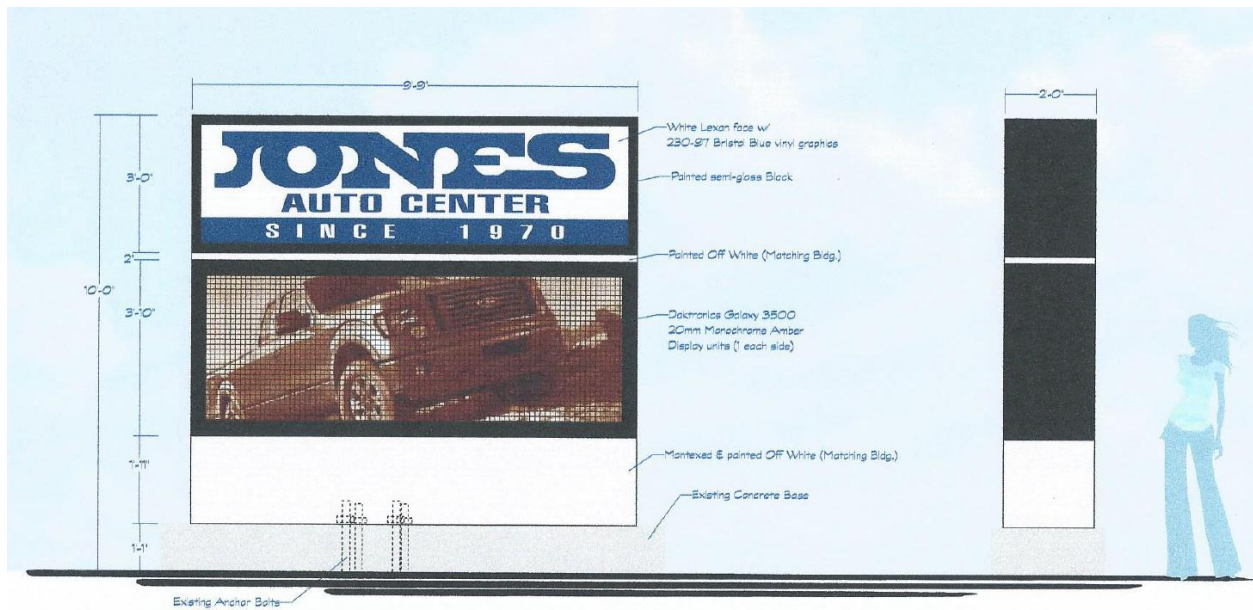


Exhibit D – Applicant's Justification Statement

Applicant Variance Justification – Casa Grande Monument Sign

Special circumstances or conditions are applicable to this parcel but that do not prevail on other B-2 zoned parcels.

This property is distinguished from most parcels that have been designated as B-2 due to a number of special circumstances. The most readily apparent difference is that this parcel does not abut directly to the nearest arterial road, Pinal Avenue; there is a frontage road in front of the parcel that distances it from the main road by over 80 feet. This extra distance makes signage and other methods of on-property advertising and identification substantially less effective than on other B-2 parcels that abut directly to their respective roads and can therefore place signage mere feet from their prospective clientele.

Further, there is a canal median lined with palm trees that separates the above frontage road, and therefore the parcel also, from Pinal Avenue. The trees, chosen and maintained by the city, substantially obstruct line of sight to this parcel from Pinal Avenue. This visual impediment, over which the parcel owner has no control, makes signage and other methods of on-property advertising and identification markedly less effective than similar signage on other B-2 parcels. This visual impairment especially affects wall signage, which makes this variance for a detached sign all the more necessary to allow this parcel to effectively advertise as other B-2 zoned parcels are allowed. Most other B-2 parcels are designed to share a border with the arterial street and can therefore plan and control the landscaping, walls, and any other potential visual obstructions.

Finally, this parcel is substantially larger in acreage than most other B-2 parcels, especially those nearby. Since the signage rule determines the allotted number of detached signs by parcel and not per contiguously-used property grouping, this parcel is entitled to far fewer signs than other B-2 properties have the potential for. See Casa Grande Zoning Section 603.6a(6). By way of example, if the parcels directly adjacent to the subject parcel to the south were used together to create a similar-sized piece of property, that property would be entitled to approximately 6 detached signs which could each be of similar size to those currently in use by the subject parcel.

For the above reasons, the frontage road, the visual obstructions, and the unusual parcel size, this parcel is subject to special circumstances and conditions that do not prevail on other B-2 zoned parcels.

Strict application of the regulations would work an unnecessary hardship and granting this application is necessary for the preservation and enjoyment of substantial existing property rights.

Considering the above explained special circumstances for this parcel, a strict application of the regulations would deny the parcel owner of substantial property rights and work an unnecessary hardship. For example, this parcel would have truncated rights of advertising its presence to the community. The rules regarding signage for land with B-2 zoning were intended to allow a business to adequately advertise its presence, goods, and services. In this case, strict application of the zoning rules would substantially impaired those property rights due to the distance from an arterial street and the visual impairment from the palm trees. Granting this variance is necessary for the preservation and enjoyment of the right to advertise the business of the property owner.

Further, property that has been zoned as B-2 is intended to be for low-intensity retail or service outlets which deal directly with the consumer, as described on Casa Grande's official government website. These outlets are intended to provide their goods and services on a community market scale. It is an unnecessary hardship to ask this parcel to meet the demands of providing service on a community market scale and yet impede its ability to market itself to that community with the frontage road buffer and the visual impairments of the median of palm trees that stand in front of the property. This variance would assist in overcoming those difficulties.

In addition, due to the current nature of the car business, for which this parcel has historically been developed and used, the existing signage cannot be altered or added to due to requirements from the two manufacturers. See attached signage and identification lease agreements with Ford and GMC. Therefore, rather than modifying one of the existing two signs, a new sign would be necessary in order for this parcel to place signage that will assist the parcel's business to effectively market its presence and maintain viability as a business. For most parcels, such business agreements do not exist and signage modifications would be a possible resolution. However, this parcel was historically developed as a car dealership and such requirements by manufacturers are now standard practice in the car sales industry. Further, allowing this variance is necessary to allow the parcel to maintain pace with standard practices in the industry so that business and customers, and the resulting sales taxes, stay in town rather than going to Phoenix.

Finally, the current signage limitations, if strictly applied, put the parcel owner's license to conduct business in jeopardy. According to Arizona law, each dealer must have a permanent sign indicating that the dealer is in the business of selling automobiles. In the case of this property, which is unusually large, there are two dealerships, requiring two licenses to do business. Therefore, the parcel owner's licenses may be risk if it is not allowed to re-construct the prior sign that was on the property as it is believes that Arizona state law requires that the parcel have two signs indicating that the dealer is in the auto sales business. See attached copies of A.R.S. 28-4406 and Licensing Information Page from the ADOT MVD. Considering the distance from the arterial road and the visual obstructions, the property is trapped and without effective recourse as wall signage is less effective and not as easily discernible to passersby. Strict application of these signage restrictions would work an unnecessary hardship on the property and

endanger the property rights of the owner because the local restrictions are at odds with state requirements for this parcel.

Granting the application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements of the neighborhood.

This variance will mean only allowing the replacement of a monument sign, using the same foundation as its predecessor. The prior monument sign was on the premises for several years prior to being removed by a third party. That sign was removed when the agreement with Lincoln expired and the sign was removed without sufficient notice for it to be replaced. Considering the lack of accidents, complaints, injuries or other problems attributed to the prior sign during the years it existed, it is clear that putting a new, similarly-sized sign in its place would not be materially detrimental to the public welfare or injurious to property or neighborhood improvements.

Further, even with the additional sign, the parcel in question would still be well below the maximum sign facing size allowed for the parcel. Considering also that the neighboring parcel to the north also exhibits three detached signs, without a significant difference in the lineal parcel size, this variance would materially injure neither the public welfare nor the improvements of the neighborhood.

Finally, if the variance is allowed, this parcel will be made more able to market itself to the community and keep business and customers from going to Phoenix for the vehicle purchasing and service needs. The intended sign will consist of a portion that is permanent lettering and a portion that would be electronic signage that would change at fixed intervals, to be established in compliance with signage restrictions. Further, this electronic portion would be beneficial to the community, as it would be usable to provide real time alerts to the public regarding impending dangerous weather conditions or Amber alerts. The parcel owner would be willing to display such when requested by appropriate authorities.

As described and demonstrated above, this parcel meets all the requirements for granting a variance of the sort requested.

28-4406. Sign requirements

A. Each motor vehicle dealer and automotive recycler shall erect and maintain at the entrance to the motor vehicle dealer's or automotive recycler's established place of business a permanent sign indicating that the business of a motor vehicle dealer or automotive recycler is conducted at or from the premises. The sign shall be legible at a distance of at least three hundred feet during daylight.

B. A wholesale motor vehicle dealer or broker shall erect and maintain at the entrance of the wholesale motor vehicle dealer's or broker's principal place of business a permanent sign indicating that the business of a wholesale motor vehicle dealer or broker is conducted at or from the premises.